



DEPT. OF TRANSPORTATION  
DOCKET SECTION

98 SEP 23 PM 4:33

1635 Prince Street, Alexandria, Virginia 22314-2818

Telephone: (703) 683-4646

Fax: (703) 683-4745

September 23, 1998

U.S. Department of Transportation Dockets  
Docket No. FAA-98-4390 - 8  
400 Seventh Street, SW  
Room Plaza 401  
Washington, DC 20590

**By Email: 9 NPRM-CMTS@faa.dot.gov**

Re: *Docket No. FAA-98-4390:*  
*HAI Comment in Support of Proposed Rulemaking: "Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules," Notice No. 98-12; 63 Fed. Reg. 44834 (Sept. 2, 1998).*

Dear Madam Administrator:

Helicopter Association International (HAI) submits this Comment in support of the proposed rulemaking entitled "Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules," Notice No. 98-12, published in the *Federal Register* on September 2, 1998, at 63 *Fed. Reg.* 46834 (Sept. 2, 1998) (hereinafter the NPRM). HAI is the nonprofit, professional trade association of over 1,400 member civil helicopter organizations. Since 1948, HAI has been dedicated to promoting the helicopter as a safe and efficient method of transportation, and to the advancement of the civil helicopter industry.

The NPRM is the culmination of almost six years of work by a joint industry and FAA working group chartered in the FAA's Aviation Rulemaking Advisory Committee (ARAC). When the proposed changes take effect, Instrument Flight Rules (TFR) flight planning requirements will be modified for rotorcraft in three ways:

- **WEATHER MINIMUM NECESSARY TO DESIGNATE AN AIRPORT AS AN ALTERNATE ON AN IFR FLIGHT PLAN:** Under proposed § 91.169(b), an alternate airport designation would not be required on an IFR flight plan for helicopters using standard instrument approach procedures if weather reports or forecasts, or any combination of them, indicate that, at the estimated time of arrival and for 1 hour after the estimated time of arrival at the intended destination, the ceiling will be at least 1,000 feet above the airport elevation, or 400 feet above the lowest approach minima, whichever is higher, and the visibility will be at least 2 statute miles.

- **ALTERNATE AIRPORT WEATHER PLANNING REQUIREMENTS:** Underproposed § 91.169(c), weather minima at the alternate airport would be reduced for helicopter IFR flight plan filing purposes as follows: (1) for precision approach procedures, a ceiling of 400 feet and visibility of 1 statute mile, but never lower than the published minima for the approach to be flown; and (2) for non-precision approach procedures, a ceiling of 600 feet and visibility of 1 statute mile, but never lower than the published minima for the approach to be flown.
- **FUEL REQUIREMENTS FOR HELICOPTER FLIGHT INTO IFR CONDITIONS:** Under the FAA's proposed § 91.167(b), fuel requirements for helicopter flights to an alternate airport in IFR conditions would not apply to helicopters if weather reports or forecasts, or any combination of them, indicate that, at the estimated time of arrival and for 1 hour after estimates time of arrival at the intended destination, the ceiling will be 1,000 feet above the airport elevation or 400 feet above the lowest approach minima and the visibility will be at least 2 statute miles.

Promulgation of the proposed rule changes will enhance rotorcraft flight safety. Often, IFR equipped and certified helicopters are safely flown by IFR-rated pilots under visual flight rules in weather that might be characterized as marginal VFR. Although such operations are both safe and legal, in these conditions, both industry and the FAA would prefer to make the benefits of IFR operation available to these helicopters, and many helicopter pilots would prefer to have the advantages of IFR operation. The NPRM is designed to enhance the safety of helicopter operations over that of VFR operation in marginal weather by facilitating entry of helicopters into the IFR system in a manner commensurate with their operational characteristics.

As the FAA correctly observed not long ago in connection with another successful, safety-enhancing rule, "Aircraft operating under IFR are part of the national IFR system, which includes [the] air traffic monitoring and control system; this system ensures that both pilots and air traffic controllers know where the aircraft is and can work together to avoid hazards and complete the flight safely. . . . [F]lying IFR improves the safety of all operations over flying VFR in marginal weather conditions." 61 Fed. Reg. 64230, 64233 (Dec. 3, 1996).

HA1 fully agrees with the FAA that "[q]ualitative benefits from the proposed rule would come from reducing the level of aircraft noise experienced by individuals on the ground and from cost savings associated with reducing transportation time. . . . The quantitative benefits come from a potential reduction in accidents by enabling more helicopter pilots to operate under IFR in marginal weather conditions." *NPRM at 46840*.

The safety and environmental benefits of this NPRM are achieved at virtually no cost to industry or the FAA. HA1 fully supports the economic analysis of the NPRM, which concludes that, "[t]he NPRM would not place additional requirements on the aviation industry. Therefore, there are no compliance costs associated with the proposed rule." *NPRM at 46839-40*.

In the NPRM, FAA asks the public to indicate “whether the tabular or narrative format [of proposed] § 91.167(b) and 91.169(b) and (c) is preferable.” *NPRM at* 46838. Although we have a slight preference for the narrative format, HAI finds that both formats are clear and supports incorporation of either version in the Final Rule.

However, we note that the proposed tables incorporated in the tabular versions of proposed §§ 91.167(a) and 91.169(b) correctly use the phrase, “weather reports and/or prevailing weather forecast,” but both narrative versions and the text elements of the tabular versions incorrectly use the phrase, “weather reports and forecasts and weather conditions.” Regardless of which format is adopted in the final rule, HAI asks FAA to correct the quoted portions of proposed §§ 91.167(a) and 91.169(b) to include the phrase “weather reports and/or prevailing weather forecast,” deleting the phrase “weather reports and forecasts and weather conditions.”

Additionally, we note that the phrasing of proposed § 91.169(c) is somewhat awkward in the narrative format, and the corresponding table is equally unclear in the partially tabular format. In the narrative format, proposed § 91.169(c) currently reads, in relevant part, as follows:

*(c) IFR alternate airport weather minima.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following alternate weather minima:

(1) If an instrument approach procedure has been published in part 97 of this chapter for that airport, the alternate airport minima specified in that procedure, or

(2) If an instrument approach procedure has been published in part 97 of this chapter for that airport, but that procedure contains no alternate airport weather minima, the following apply:

(i) For airplanes using--

(A) *A precision approach procedure.* The ceiling will be 600 feet and the visibility will be 2 statute miles.

(B) *A nonprecision approach procedure.* The ceiling will be 800 feet and the visibility will be 2 statute miles.

(ii) For helicopters using--

(A) *A precision approach procedure.* The ceiling will be 400 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(B) *A nonprecision approach procedure.* The ceiling will be 600 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(3) If no instrument approach procedure has been published in part 97 of this chapter for the alternate airport, the ceiling and visibility minima are those allowing descent from the MEA, approach, and landing under basic VFR.

This phrasing is less than ideal for the following reasons:

- An instrument approach procedure is “published” in 14 CFR part 97 only to the extent that standard instrument approach procedures adopted by the FAA and described on FAA Form 8260-3, 8260-4, or 8260-5 are incorporated into Part 97 by reference. See I4 *CFR* § 97.20. Consequently, a pilot completing a flight plan cannot simply look in Part 97 to find the applicable alternate airport minima, but must examine “[t]he incorporated standard instrument approach procedures [which] are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular FAA Region are also available for examination at the headquarters of that Region. Moreover, copies of SIAPs originating in a particular Flight Inspection District Office are available for examination at that Office.” *Id.*

Under current practice, this system works because, “[b]ased on the information contained on FAA Form 8260-3, 8260-4, and 8260-5, standard instrument approach procedures are portrayed on charts prepared for the use of pilots by the U.S. Coast and Geodetic Survey and other publishers of aeronautical charts,” and because the publishers of those charts list, among other things, the applicable alternate airport minima.

However, under the proposed rule, helicopters will for the first time be authorized, *in certain circumstances*, to use alternate airport minima different than those applicable to airplane operations. If the proposed rule is adopted as currently phrased, aeronautical charts and approach plates will have to be amended to show the lower helicopter alternate airport flight planning minima, where authorized. It was not the intention of the Working Group to require chart changes; rather, the Working Group intended to give the helicopter pilot a means to compute lower alternate airport minima in appropriate circumstances.

- It appears that, in certain regions of the country, it has become common practice to list all applicable alternate airport minima on FAA Form 8260-3, 8260-4, or 8260-5; or at the least, the aeronautical charts that portray standard instrument approach procedures in certain areas set forth applicable minima, whether these are the “standard” or default minima authorized under current 14 CFR § 91.169(c)(1), or “nonstandard” minima specific to a particular approach. In either case — whether called out in FAA Form

8260-3, 8260-4, or 8260-5 or merely called out as a convenience to the pilot by the chart publisher — under the proposed phrasing the helicopter pilot would be required to use the same “published” alternate airport minima as airplanes, whenever, “an instrument approach procedure has been published in part 97 of this chapter for that airport, [and] the alternate airport minima [are] specified in that procedure.” *Proposed 14 CFR § 91.169(c)(1)*. In the Northeast, for example, almost all published approach depictions include a statement of the applicable alternate airport minima, thereby restricting helicopter pilots to those minima under the proposed phrasing. This result obviously is contrary to both the Working Group’s intent and the FAA’s intent.

Consequently, we urge the FAA to consider substituting the following phrasing for the phrasing of proposed § 91.169(c) currently in the NPRM:

*(c) IFR alternate airport weather minima.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless current weather forecasts indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following alternate weather minima:

*(1) For airplanes -*

(i) If an instrument approach procedure has been published in part 97 of this chapter for that airport, the alternate airport minima specified in that procedure, or

(ii) If an instrument approach procedure has been published in part 97 of this chapter for that airport, but that procedure contains no alternate airport weather minima, the following apply:

(A) *A precision approach procedure.* The ceiling will be 600 feet and the visibility will be 2 statute miles.

(B) *A nonprecision approach procedure.* The ceiling will be 800 feet and the visibility will be 2 statute miles.

*(2) For helicopters -*

(i) If an instrument approach procedure has been published in part 97 of this chapter for that airport the following apply:

(A) *A precision approach procedure.* The ceiling will be 400 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(B) *A nonprecision approach procedure.* The ceiling will be 600 feet and the visibility will be 1 statute mile, but never lower than the published minima for the approach to be flown.

(3) If no instrument approach procedure has been published in part 97 of this chapter for the alternate airport, the ceiling and visibility minima are those allowing descent from the MEA, approach, and landing under basic VFR.

If the partially tabular format of the proposed NPRM is adopted in the final rule, it is our recommendation that both narrative and tabular elements be revised to reflect this clearer phrasing.

Our sole substantive concern with the NPRM involves FAA's proposal to remove Special Federal Aviation Regulation (SFAR) No. 29-4, "Limited IFR Operations of Rotorcraft." The ARAC recommendation upon which the NPRM is based was silent as to SFAR 29-4. Industry did not consider the wisdom or desirability of removing this SFAR during the years of deliberation that yielded the other elements of the NPRM, and may not have ample time to consider this proposal during the 30-day comment period for the NPRM. However, we are anxious to realize the safety benefits associated with the balance of the NPRM, and so we have no desire to extend the comment period on the NPRM to allow thorough consideration of the proposal to remove SFAR 29-4.

Therefore, we ask the FAA to postpone removal of SFAR 29-4 for one year to enable industry to consider this matter and forward thoughtful comment to FAA. During the first year of operation under the proposed new rules, we may find that enhanced access to the IFR system results in increased need for the special certification available under SFAR 29-4. Alternately, we may find that SFAR 29-4 has outlived its usefulness and may be removed without compromising the IFR system access that the balance of the NPRM is intended to promote. In either event, it seems clearly preferable to leave SFAR-29-4 in place during the early months of our experience under the new rule before deciding whether to remove it from the regulations.

We thank the Federal Aviation Administration for this opportunity to cooperate in the rulemaking process, and we urge the FAA to promulgate the rule proposed in this NPRM as expeditiously as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Resavage", written over a horizontal line.

Roy Resavage  
President